



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Austin Holdings  
DOCKET NO.: 16-01618.001-R-1  
PARCEL NO.: 06-12-461-001

The parties of record before the Property Tax Appeal Board are Austin Holdings, the appellant, by attorney Jessica Hill-Magiera in Lake Zurich; and the Kane County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **no change** in the assessment of the property as established by the **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$7,267  
**IMPR.:** \$18,187  
**TOTAL:** \$25,454

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject property is improved with a one-story dwelling of frame construction with 800 square feet of living area. The dwelling was constructed in 1890. Features of the home include a full basement, an open frame porch with 40 square feet of building area and an enclosed frame porch with 63 square feet of building area. The property has an 8,712 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on eight comparable sales improved with one-story dwellings that range in size from 697 to 960 square feet of living area. The dwellings were constructed from 1895 to 1900 and are located from .25 to 1.43 miles from the subject property. Each comparable has a full basement, three comparables have central air conditioning and two comparables have detached garages. The sales occurred from January 2015 to May 2016 for prices ranging from \$10,000 to \$70,500 or from \$13.57 to \$87.28 per square foot of living area,

including land. The appellant's analysis included adjustments to the comparables for differences from the subject to arrive at equalized sales prices for the comparables ranging from -\$464 to \$63,013. The appellant requested the subject's assessment be reduced to \$16,389.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$25,454. The subject's assessment reflects a market value of \$76,507 or \$95.63 per square foot of living area, land included, when using the 2016 three-year average median level of assessment for Kane County of 33.27% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on six comparable sales identified by the township assessor. The comparables are improved with one-story dwellings of frame construction that range in size from 640 to 988 square feet of living area. The dwellings were built from 1900 to 1938 and are located within .63 miles from the subject property. Each comparable has a basement with one having finished area, three comparables have central air conditioning, and each comparable has a garage ranging in size from 160 to 528 square feet of building area. The sales occurred from April 2014 to November 2015 for prices ranging from \$75,000 to \$130,000 or from \$94.34 to \$154.76 per square foot of living area, including land. The assessor stated that comparables #4 and #6 were rehabbed and submitted to show the condition of the subject is being reflected in its assessed value. The assessor also asserted that the subject's lack of a garage is being reflected in its lower price per square foot.

In rebuttal, the assessor stated that seven of the sales used by the appellant were either Bank REO/Foreclosures, Sheriff's Deeds or short sales. The assessor further stated that seven of the sales were located one mile or more from the subject property. A map was submitted by the board of review depicting the location of the comparables relative to the subject property.

In rebuttal the appellant's attorney contends that pursuant to section 16-183 of the Property Tax Code the Property Tax Appeal Board is to consider compulsory sales. The appellant's counsel also critiqued the sales used by the board of review.

### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record contains fourteen sales submitted by the parties to support their respective positions. The Board gave less weight to board of review sales #4 and #6 as these comparables had been rehabilitated causing them to be in superior condition than the subject property and setting the upper limit of value.

Additionally, the Board gives little weight to the adjustments to the appellants' comparable sales as there was no foundation in support of the adjustment process, however, the Board will consider the raw sales data. The Board finds the board of review submission asserted that seven of the appellants' comparables were foreclosures or short sales. Section 1-23 of the Property Tax Code (35 ILCS 200/1-23) defines "compulsory sale" as:

"Compulsory sale" means (i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

Furthermore, section 16-183 of the Property Tax Code (35 ILCS 200/16-183) provides:

The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

Based on these statutory provisions, the Property Tax Appeal Board finds it is to consider compulsory sales, including short sales and foreclosures of comparable properties, in determining the correct assessment.

The Board finds the best evidence of market value to be board of review comparable sales #1, #2, #3 and #5 due to their location proximate to the subject property. These comparables were similar to the subject in style, size and construction. Overall the comparables were superior to the subject with a garage, central air conditioning and/or finished basement area.. These comparables sold from October 2014 to November 2015 for prices ranging from \$75,000 to \$119,000 or from \$94.34 to \$123.57 per square foot of living area, including land. The subject's assessment reflects a market value of \$76,507 or \$95.63 per square foot of living area, including land, which is at the low end of the range and well supported by the best comparable sales in this record considering the subject's age and features. Less weight was given to the appellant's comparables due to differences from the subject in location. Additionally, the Board finds there was some issue with respect to the circumstances surrounding the sale of seven of the appellant's comparables, which would indicate these sales would reflect prices towards the lower spectrum of market value. Based on this evidence the Board finds a reduction in the subject's assessment is not justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

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Chairman





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Member

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Member





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Member

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Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: July 16, 2019



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Clerk of the Property Tax Appeal Board

**IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

AGENCY

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Austin Holdings, by attorney:  
Jessica Hill-Magiera  
Attorney at Law  
790 Harvest Drive  
Lake Zurich, IL 60047

COUNTY

Kane County Board of Review  
Kane County Government Center  
719 Batavia Ave., Bldg. C, 3rd Fl.  
Geneva, IL 60134